

Document: Proposed Rule, **Register Page Number:** 27 IR 3303

Source: July 1, 2004, Indiana Register, Volume 27, Number 10

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**TITLE 460 DIVISION OF DISABILITY, AGING, AND
REHABILITATIVE SERVICES**

Proposed Rule
LSA Document #03-231

DIGEST

Adds 460 IAC 1-10 to describe the caretaker support program and provide for the coordination and administration of the program. Effective 30 days after filing with the secretary of state.

460 IAC 1-10

SECTION 1. 460 IAC 1-10 IS ADDED TO READ AS FOLLOWS:

Rule 10. Caretaker Support Program

460 IAC 1-10-1 Scope and applicability

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4

Affected: IC 12-10-1; IC 12-10.5-1

Sec. 1. (a) This rule sets forth provisions governing the administration and coordination of the caretaker support program.

(b) This rule applies to the following:

(1) The bureau of aging and in-home services.

(2) Area agencies on aging.

(3) Service providers under contract with an area agency on aging to provide services under this program.

(4) Caretakers and care receivers who receive benefits of this program.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-1)

460 IAC 1-10-2 Funding source; services provided

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4

Affected: IC 12-10-1; IC 12-10.5-1

Sec. 2. (a) Both federal and state funding may be used for this program. Since federal and state statutes applicable to this program differ, the source of funding may determine the services provided and the people to whom those services may be provided.

(b) If state funding is used, caretaker support program services include the following:

(1) Information for caretakers about available services.

(2) Assistance to caretakers in gaining access to the services.

(3) Individual counseling, organization of support groups, and caretaker training to assist caretakers in making decisions and solving problems in the individual's role as caretaker.

(4) Respite care to offer caretakers temporary relief from caretaker responsibilities.

(c) If federal funding is used, caretaker support program services include each of the services in subsection (b)(1) through (b)(4), plus supplemental services provided on a limited basis to complement the care provided by caretakers. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-2)*

460 IAC 1-10-3 Program administration; administrative functions and responsibilities of BAIHS

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4

Affected: IC 12-10-1; IC 12-10.5-1

Sec. 3. (a) As funding allows, BAIHS will administer the program under contract with the area agencies on aging.

(b) In administration of the program, the functions and responsibilities of BAIHS include the following:

- (1)** The review and approval of annual program plans submitted by area agencies on aging.
- (2)** The allocation to area agencies on aging of funds appropriated for the provision of program services.
- (3)** The establishment and maintenance of policies and procedures for the operation of the program and the provision of services.
- (4)** The development and maintenance of fiscal and service data collection and procedures for collecting information on families and services provided.
- (5)** The monitoring of local programs for compliance with applicable state and federal laws and approved area agency on aging program plans.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-3)

460 IAC 1-10-4 Program administration; administrative functions and responsibilities of the area agencies on aging

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4

Affected: IC 12-10-1; IC 12-10.5-1

Sec. 4. (a) As funding allows, each area agency on aging shall administer a program under this rule in its planning and service area.

(b) In the administration of the program, the function and responsibilities of the area agency on aging include the following:

- (1)** The development and submission of a program plan under section 5 of this rule.
- (2)** The coordination of service development and delivery under this rule with other appropriate agencies and organizations in the community with special efforts to develop and maintain an effective network of local support for caretakers.
- (3)** The timely collection and submission from area agencies on aging on a quarterly basis to BAIHS that includes information on individuals served, units of service, and expenditures on forms or in the format provided by the BAIHS.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-4)

460 IAC 1-10-5 Program plans

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4

Affected: IC 12-10-1; IC 12-10.5-1

Sec. 5. Each area agency on aging shall annually submit a plan, as part of its area plan, that includes the following information:

- (1)** A description of area agency on aging caretaker programs that include strategies for the strengthening or developing of a local network of family caretaker resources. The use of network models that may involve local voluntary groups, faith-based groups, and health care organizations active in the areas of Alzheimer's disease, support groups for family caretakers and grandparents raising grandchildren, and other similar organizations is strongly encouraged.
- (2)** An explanation of how the area agency on aging will assure that, in providing services, priority shall be given to older individuals with greatest social and economic need, with particular attention to low-income older individuals and older individuals providing care and support to persons with mental retardation and related developmental disabilities. The provision of services may be affected as follows:
 - (A)** If state funding is used, services will be provided to individuals at least sixty-five (65) years of age who are caretakers or who are taking care of individuals with special needs at least eighteen (18) years of age and

unable to perform at least three (3) activities of daily living.

(B) If federal funding is used, priority will be given to persons at least eighteen (18) years of age who are caretakers of individuals at least sixty (60) years of age who are unable to perform at least two (2) activities of daily living, and older adults, grandparents, or stepgrandparents at least sixty (60) years of age who are caretakers of children eighteen (18) years of age or younger.

(3) A description of strategies for carrying out caretaker education so that different kinds of caretaker education needs are effectively met. Caretaker education shall involve to the extent possible the participation of available community resources. These efforts may include support groups if appropriate.

(4) A twelve (12) month operating budget on a form provided by BAIHS.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-5)

460 IAC 1-10-6 Program compliance

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4

Affected: IC 12-10-1; IC 12-10.5-1

Sec. 6. Failure of an area agency on aging to comply with corrective action requirements resulting from compliance monitoring by BAIHS may lead to sanctions imposed by BAIHS when, after discussion, the area agency on aging and the BAIHS are unable to reach a mutually satisfactory resolution of the noncompliance issue. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-6)*

460 IAC 1-10-7 Cost share

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4

Affected: IC 12-10-1; IC 12-10.5-1

Sec. 7. The client cost share will be calculated based on an application form that may be provided by BAIHS. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-7)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 23, 2004 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451 Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed new rule at 460 IAC 1-10 concerning the caretaker support program, which provides for the coordination and administration of the program. If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Rachel McGeever
General Counsel
Division of Disability, Aging, and Rehabilitative Services